

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAHOOMAN PANAH, an individual,
Plaintiff,

v.

STATE OF CALIFORNIA DEPT. OF
CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

Case No. 14-00166 BLF (PR)

**ORDER DENYING IN PART AND
GRANTING IN PART MOTION TO
STRIKE SUR-REPLIES; GRANTING
TIME TO FILE SUR-REPLY**

(Docket No. 199)

Plaintiff, an inmate on death row at California's San Quentin State Prison ("SQSP"), filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983, alleging unconstitutional acts by SQSP correctional officers. On August 21, 2020, the Court ordered stricken several of Plaintiff's unpermitted sur-replies to Defendants' motion to dismiss under Local Rule 7-3(d)(1), (2). Dkt. No. 200 at 3, striking Dkt. Nos. 189, 190, 191, 193, and 198.

Defendants have filed a motion to strike other previous briefings by Plaintiff as violating Local Rule 7-3(d). Dkt. No. 199. Specifically, Defendants request Plaintiff's papers filed under Docket Nos. 181, 182, and 198 be stricken, or in the alternative, that they be given an opportunity to file a sur-reply. *Id.* at 102. First, the Court notes that

Docket No. 198 was already stricken by the prior court order. Dkt. No. 200 at 3. Second, the Court finds good cause to accept Plaintiff's briefing filed on March 31, 2020, Dkt. No. 181, as he filed it within the time allowed to file an opposition. *See* Dkt. No. 176. However, the Court finds good cause to strike the paper filed thereafter, *i.e.*, Dkt. No. 182, under Local Rule 7-3(d).


For the foregoing reasons, Defendants' motion to strike Plaintiff's sur-replies is **DENIED IN PART and GRANTED IN PART**. It is denied with respect to the paper filed under Docket No. 181, and granted with respect to the paper filed under Docket No. 182. Accordingly, Plaintiff's supplemental response filed on April 9, 2020, Dkt. No. 182, shall be **STRICKEN** as an unpermitted sur-reply.

Defendants shall file a sur-reply to Plaintiff's opposition paper filed on March 31, 2020. Dkt. No. 181, **no later than seven (7) days** from the date this order is filed. The matter will be deemed submitted as of the filing of Defendants' sur-reply.

This order terminates Docket No. 199.

IT IS SO ORDERED

Dated: September 2 , 2020


BETH LABSON FREEMAN
United States District Judge